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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/305,234	05/04/1999	GEORGE V. GUYAN	AND1P068	1833

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EXAMINER
RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
2175	32

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/305,234	GUYAN ET AL.
	Examiner	Art Unit
	Sam Rimell	2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-21 and 32-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-21, 32-37* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

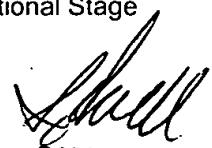8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United
States before the invention thereof by the applicant for patent, or on an international application by another who
has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined

was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment

by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-21 and 32-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Lau

('247).

Lau discloses a programming system for developing component based software using

object oriented programming principles. FIG. 3 discloses a data component in the form of a

storage system (308) that is capable of storing, retrieving and manipulating data in the form of

completed computer programs that include specific sets of functions.

The system further includes a client side, or user manipulable component (300) that

includes a number of subcomponents. The first subcomponent is an adapter component

comprised of structures (302) and (303), which work together. The adapter component (303)

transmits and receives data from the data component (308), and cooperates with the adapter

component (302) to adapt data received from component (301).

The second subcomponent of the client side is a business logic component (301) that includes the overall logic for manipulating data.

The third subcomponent of the client side is a controller component (305) that creates completed frameworks for programs. The controller component (305) receives data on events from a user at a terminal (306). The controller component also communicates with the business component (301) and the adapter component (302, 303) to persist data to a data repository in the data component (308).

FIG. 4-5 disclose a user interface in the form of a task assistant that defines the programmed tasks necessary for an event. The tasks are defined in Pane 3 of FIG. 5. The rules that control the tasks are defined in Pane 2 of FIG. 5. The event is the collection of programming objects needed to create a new insurance policy (Pane 1). The user inputs tasks and rules during the running of the programmed system of FIG. 3.

Within the context of the present claims, no patentable weight is attributed to who actually carries out the tasks, such as an employee. The claims are addressed to the physical arrangement of a computer program, not a business process.

Pane 3 of the client component indicate which tasks have been established.

The programming objects which are collected in Pane 1 derive from a preprogrammed set (or queue) of programming objects, such as the data object (203) or application object (208).

The goal is insurance related, since the final output is programming used to produce insurance policies.

The storage of data pertaining to specific employees is non-functional descriptive material. The claiming of non-functional descriptive material does not create a patentable

distinction over the prior art (See MPEP 2106 Section VI; and *In re Gulack* 703 F.2d 1381, 1385,

217 USPQ 401, 404 (Fed. Cir. 1983).

The completion of specific tasks, as illustrated in Pane 3, are associated with

predetermined events, as illustrated in Pane 1.

Remarks

Applicant's arguments have been considered.

On February 3, 2004, applicant's representative and the Examiner had an interview to

discuss the independent claims of record. Applicant agreed to further amend the claims to define

that tasks are defined and rules are input during the runtime of the program that actually

processes those tasks and rules. Applicant amended claims 1, 8 and 15 to set forth the definition

of tasks and the input of rules during the run-time of the program, without specifying that the

program was that which actually processes the input tasks and rules. Thus, the amendment to

claims 1, 8 and 15 could be referring to any program, including that which operates the system of

FIG. 3 of Lau.

Accordingly, Applicant's amended claims still read on the Lau reference, in which tasks

and rules are input during the runtime of the system of FIG. 3, which is also a programmed

system. While this system does not actually process the input tasks and rules, the independent

claims do not yet make this requirement.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

Sam Rimell
Primary Examiner
Art Unit 2175